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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

6 DANIEL WILLIAMS,) 3:13-CV-0557-HDM (VPC)
 7 Plaintiff,)
 8 vs.)
 9 CAROLYN COLVIN,)
 10 Acting Commissioner,)
 Social Security Administration,)
 11 Defendant.)

ORDER

12
 13 Before the court is plaintiff's application to proceed *in forma pauperis* (#1) filed on October 3,
 14 2013.

15 **I. Application to Proceed *In Forma Pauperis***

16 Plaintiff filed this action and attached a financial affidavit to his application and complaint as
 17 required by 28 U.S.C. § 1915(a). In reviewing plaintiff's financial affidavit pursuant to 28 U.S.C. §
 18 1915, the court finds that plaintiff unable to pre-pay the filing fee. Therefore, plaintiff's application to
 19 proceed *in forma pauperis* (#1) is **GRANTED**.

20 **II. Complaint**

21 Plaintiff brings suit against Carolyn Colvin, Acting Commissioner of the Social Security
 22 Administration, alleging that he was wrongfully denied social security disability benefits. Federal courts
 23 only have jurisdiction to conduct judicial review of Social Security Administration's financial decision.
 24 See 42 U.S.C. § 405(g); see also *Pacific Coast Medical Enterprises v. Harris*, 633 F.2d 123, 137 (9th
 25 Cir. 1980). Upon initial review of plaintiff's complaint, it appears that plaintiff fully exhausted his
 26 administrative remedies with the Social Security Administration. The court will therefore allow
 27 plaintiff's complaint to proceed as a petition for judicial review of a final agency decision. Therefore,
 28

IT IS ORDERED that plaintiff's application to proceed *in forma pauperis* (#1) is **GRANTED** with the caveat that the fees shall be paid if recovery is made. At this time, plaintiff shall not be required to pre-pay the full filing fee of four hundred dollars (\$400.00).

IT IS FURTHER ORDERED that the clerk of court shall **FILE** the complaint.

5 **IT IS FURTHER ORDERED** that the clerk of court shall **SERVE** the Commissioner of the
6 Social Security Administration by sending a copy of the Summons and Complaint by certified mail to:
7 (1) the General Counsel, Social Security Administration, Room 611, Altmeyer Building, 6401 Security
8 Boulevard, Baltimore, MD 21235; (2) the Attorney General of the United States, Department of Justice,
9 950 Pennsylvania Avenue, N.W., Washington, DC 20530; and (3) Office of the Regional Chief Counsel,
10 Region IX, Social Security Administration, 160 Spear Street, Suite 899, San Francisco, California
11 94105.

12 **IT IS FURTHER ORDERED** that the clerk of court shall **ISSUE** a summons to the Social
13 Security Administration and deliver the summons and complaint to the U.S. Marshal for service on the
14 U.S. Attorney's Office at 100 West Liberty Street, Suite 600, Reno, Nevada 89501.

15 **IT IS FURTHER ORDERED** that defendants shall have **sixty (60)** days from the date of
16 service to file their answer or other responsive pleading to plaintiff's complaint in this case.

17 **IT IS FURTHER ORDERED** that henceforth, plaintiff shall serve upon defendant, or
18 defendant's attorney, a copy of every pleading, motion, or other document submitted for consideration
19 by the court. Plaintiff shall include with the original paper submitted for filing a certificate stating the
20 date that a true and correct copy of the document was mailed to defendant or defendant's counsel. The
21 court may disregard any paper received by a district judge, magistrate judge, or clerk which fails to
22 include a certificate of service.

DATED: November 18, 2013.

Valerie P. Poche
UNITED STATES MAGISTRATE JUDGE